



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,244	02/11/2002	Francesco Palmeri	3573-12	9086

7590 04/22/2004
NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201

EXAMINER

GANTT, ALAN T

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,244

Applicant(s)

PALMERI ET AL.

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lomp et al.

Regarding claim 1, Lomp discloses an automatic control system and method for closed loop automatic power control for a base radio carrier station and a group of subscriber units of a spread-spectrum communication system. Lomp includes a method for controlling the signal level in radio-communication systems having microwave time division multiple access (TDMA) [col. 1, lines 8-20; col. 3, lines 15-50], of the kind point to multipoint (PmP), characterized in that a local control is activated by a particular AGC (5) in the node receiver and simultaneously a radio control loop (9) is activated from the node (1) to each terminal (2, 3, 4) regulating the transmitted power level (col. 2, line 66 to col. 3, line 49 [the system uses error signal from both forward and reverse channel reception signals to adjust the transmit power level at the bas station and the subscriber unit])

Regarding claim 2, Lomp meets the following limitation: Control method as claimed in claim 1, wherein the particular AGC (5) employed in the receiver of the node (1) is a circuit both fast in re-configuration, and accurate and stable in working phases. (col. 2, line 66 to col. 3, line

Art Unit: 2684

49 [through the use of the error signal at each end, the comparison to the desired threshold is made locally and adjusted immediately])

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lomp et al., in view of McCune, Jr.

Regarding claim 3, Lomp discloses an automatic control system and method for closed loop automatic power control for a base radio carrier station and a group of subscriber units of a spread-spectrum communication system as stated above for claim 1. However, Lomp does not include a slow AGC circuit.

McCune discloses a quadrature-free RF receiver for directly receiving RF signals such as angle-modulated signals. McCune meets the limitation: Control method as claimed in claims 1, wherein an overall AGC is employed in the receiver of the node (1), which comprises the fast AGC (5), having high accuracy and fixed gain and a slow AGC (8), having high accuracy and ready stability with respect to the changes in attenuation (col. 1, line 66 to col. 2, line 16 and col. 2, line 54 to col. 3, line 43).

Lomp and McCune, Jr. are combinable because they share a common endeavor, namely, communication systems that includes automatic gain control. At the time of the applicant's invention it would have been obvious to modify Lomp to include a slow AGC as done by

Art Unit: 2684

McCune to allow handling of underlying non-linearities within the circuit itself rather than relegating the non-linearities to a separate signal processing step.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, The updating of the slow AGC using peak amplitude information coming from both outdoor and indoor measurement points was neither found, suggested, nor made evident by the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yasaki discloses spread spectrum system that includes a plurality of cells which share common frequencies.

Satou discloses an adaptive downlink transmission power control arbiter.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Application/Control Number: 10/071,244

Page 5

Art Unit: 2684

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

Alan T. Gantt

April 16, 2004



**NICK CORSARO
PATENT EXAMINER**